

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JENNIFER E. NICOLAS,

Plaintiff,

- against -

JP MORGAN CHASE BANK, N.A.,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge.

ORDER ADOPTING
REPORT AND RECOMMENDATION
16-CV-2774 (RRM) (RER)

Plaintiff Jennifer E. Nicolas, *pro se*, commenced this action pursuant to Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*, against defendant employer JP Morgan Chase Bank, N.A. (“Chase”). (*See* Compl. (Doc. No. 1).) On March 17, 2017, four months after the Court set a discovery schedule for this action, Chase filed a motion to compel Nicolas to respond to its discovery requests. (Mot. to Compel (Doc. No. 14).) On March 24, 2017, the Court granted Chase’s motion as unopposed and cautioned Nicolas that failure to respond in full to Chase’s discovery requests by April 14, 2017 would result in a recommendation that this action be dismissed for failure to prosecute. (3/24/17 Order.)

Nicolas failed to follow the Court’s Order, and on April 21, 2017, Chase filed a motion to dismiss Nicolas’s complaint for failure to prosecute, pursuant to Federal Rule of Civil Procedure (“Rule”) 41(b). (*See* Def’s. Mot. (Doc. No. 15).) The magistrate judge assigned to this case, the Honorable Ramon E. Reyes, Jr., issued a Report and Recommendation (“R&R”), a copy of which was mailed to Nicolas on May 22, 2017, recommending that Nicolas’s action be dismissed without prejudice pursuant to Rule 41(b). (*See* R&R 5/18/17.) Judge Reyes reminded the parties that, pursuant to Rule 72(b), any objections to the R&R must be filed by June 5, 2017. (R&R 5/18/17.) The date to file objections has passed, and neither party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ordered that Nicolas's action be dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The Clerk of Court is respectfully directed to enter judgment, mail a copy of this Memorandum and Order and the accompanying judgment to plaintiff Jennifer E. Nicolas, *pro se*, note the mailing on the docket, and close this case.

SO ORDERED.

Dated: Brooklyn, New York
Sept 5, 2017

s/Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge